

### **REMARKS**

The final Office Action mailed June 19, 2009 has been reviewed and the comments therein were considered by the Applicants. These remarks are responsive thereto. Upon entry of this Response, claims 10-22 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. §103***

Claims 10-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks *et al.* (U.S. Patent No. 5,798,785 “Hendricks”) in view of Beer (U.S. Patent No. 5,793,368, “Beer”). These rejections are traversed for at least the following reasons.

Claim 10 recites, among other features,

receiving, at the broadcast receiving device, a user request to modify an electronic programming guide configured to display the electronic programming guide data;  
receiving, at the broadcast receiving device, one or more presentation criteria for making the user requested modification from the broadcast source; and  
determining, at the broadcast receiving device, at least one of the one or more presentation criteria corresponds to the user request.

The Action relies on Hendricks to show the claimed step of “receiving, at the broadcast receiving device, one or more presentation criteria for making the user requested modification from the broadcast source.” *See* Office Action, page 4. The Action concedes that “Hendricks fails to disclose receiving a user request to modify an electronic programming guide.” *Id.* The Action alleges that Beer teaches the claimed steps of receiving, at the broadcast receiving device, a user request to modify an electronic programming guide and the “determining” step. *Id.* The Action relies on col. 3, lines 16-67 of Beer to show the claimed “determining” step. Specifically, the Action states that Beer describes “user requests for presentation criteria are a user request for a particular visual style or characteristic.” *Id.* Notably, claim 10 recites, “receiving, at the broadcast receiving device, *a user request to modify an electronic programming guide,*” and “receiving, at the broadcast receiving device, one or more presentation criteria for making the user requested modification from the *broadcast source.*” Nowhere does claim 10 recite “user requests for presentation criteria,” as the Action suggests.

Furthermore, even assuming, without conceding, that the processor in Beer corresponds to the claimed broadcast receiving device, at most, Beer discloses a user being able to select from a variety of different visual styles for a user interface on a processor or application on a processor, by adding, deleting, and changing attributes for widgets or objects associated with the user interface. *See*, Beer, col. 3, lines 16-17. Nowhere in Beer is there a teaching or suggestion that the processor determines at the broadcast receiving device, at least one or more presentation criteria corresponds to the user request, as recited in claim 10. Accordingly, Beer fails to teach or suggest the determining step as claimed.

Hendricks fails to cure the deficiencies of Beer. The Action concedes that Hendricks fails to disclose receiving a user request to modify an electronic programming guide configured to display the electronic programming guide data. Accordingly, it then follows that, Hendricks can not *determine*, at the broadcast receiving device, at least one or more of the presentation criteria *corresponds to the user request*, as recited in claim 10. Therefore, claim 10 is patentably distinct over Hendricks in view of Beer.

Claims 11-13 depend from independent claim 10 and are allowable for at least the same reasons as discussed above with respect to claim 10 and further in view of the additional novel and non-obvious features recited therein.

Independent claims 14 and 18 recite language substantially similar to claim 10 and are thus allowable for substantially similar reasons as those discussed above with respect to claim 10. Claims 15-17 and 19-22 depend from claims 14 and 18, respectively, and are thus allowable for at least the same reasons as their respective base claims, and further in view of the additional novel and non-obvious features recited therein.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully requests reconsideration and allowance of the instant application. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

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Dated: August 17, 2009

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